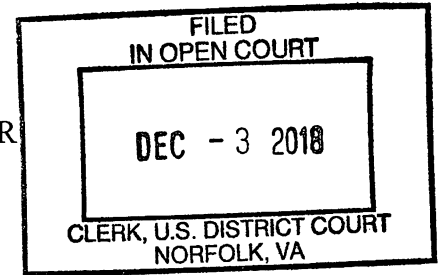


IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Newport News Division



UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 4:17cr125
)	
VISHAL JYOTINDRA PATEL,)	
)	
Defendant.)	

STATEMENT OF FACTS

If this matter were to proceed to trial, the United States of America would prove beyond a reasonable doubt, by competent and admissible evidence, the following facts:

1. The Centers for Medicare and Medicaid Services issue National Provider Identifiers (hereinafter "NPIs") to healthcare practitioners in the United States. NPIs are unique 10-digit identification numbers required for all healthcare providers and entities covered by the Health Insurance Portability and Accountability Act of 1996 (hereinafter "HIPAA"). NPIs are used by other payers, including commercial healthcare insurers, to identify individual healthcare practitioners and entities.

2. The Virginia Department of Health Professions (hereinafter "DHP") administers health regulatory boards in the Commonwealth of Virginia responsible for the licensure, regulation, and discipline of healthcare practitioners and facilities. Each health regulatory board enforces Virginia laws and regulations specific to its licenses. Among these boards is the Virginia Board of Medicine, which regulates several professions, including Doctors of Medicine and Surgery. Virginia law requires anyone practicing medicine in the Commonwealth of Virginia to possess a valid, unrevoked license issued by the Virginia Board of Medicine.

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3. The Drug Enforcement Administration (hereinafter “DEA”) is a United States federal law enforcement agency under the U.S. Department of Justice responsible for enforcing the Controlled Substances Act, 21 U.S.C. §§ 801-971. In this capacity, DEA regulates individuals and entities that handle or prescribe controlled substances. The Controlled Substances Act requires any person who manufactures, distributes, or dispenses any controlled substance to obtain a registration issued by the Attorney General in accordance with the rules and regulations promulgated by him. DEA issues unique DEA registration numbers to healthcare practitioners, which numbers allows such practitioners to write prescriptions for controlled substances. DEA maintains records of such registrations consistent with the requirements of the Controlled Substances Act.

4. At times relevant to the Indictment, VISHAL JYOTINDRA PATEL (hereinafter “PATEL”), the defendant herein, was a resident of Glen Allen, Virginia. PATEL has never been licensed by the Virginia Board of Medicine or DHP to practice medicine in the Commonwealth of Virginia. Nor has PATEL ever been issued an NPI or a DEA Registration Number.

5. V.D.P. is a real person licensed to practice medicine in the Commonwealth of Virginia who maintains a medical practice in Roanoke, Virginia. As required by the Controlled Substances Act, V.D.P. is registered with the DEA.

6. V.D.P. had a unique DEA registration number (last four digits 6476). This number was a means of identifying V.D.P., as defined by Title 18, United States Code, Section 1028(d)(7).

7. AMN Healthcare is company headquartered in San Diego, California that provides medical staffing services to healthcare organizations in the United States. AMN Healthcare provides such services through various subsidiary companies.

8. Staff Care is an AMN Healthcare company operating out of Texas that provides flexible, temporary locum tenens (i.e., substitute) staffing for physicians, clinicians, and healthcare professionals in all specialties. Staff Care recruits medical professionals to work temporary assignments across the United States. Such individuals work as independent contractors of Staff Care in accordance with the terms of Staff Care's Provider Service Agreements. To become an independent contractor, Staff Care requires such professionals to complete a number of forms, including W-9 Forms certifying their name, address, and social security number.

9. Stoneybrook Physicians is health center located and operating in Newport News, Virginia. Among other services, Stoneybrook Physicians offers free and discounted health services to qualifying patients. Stoneybrook Physicians employs healthcare practitioners, including Doctors of Medicine and Surgery. Among other means, Stoneybrook Physicians relies on medical staffing servicers, including AMN Healthcare Staffing and its subsidiaries, to recruit such practitioners.

10. Beginning on a date unknown but believed to be in or about at least August 2017, and continuing to in or about December 2017, in the Eastern District of Virginia and elsewhere, VISHAL JYOTINDRA PATEL, the defendant herein, devised a scheme and artifice to fraudulently obtain employment as a Doctor of Medicine and Surgery.

11. An investigation conducted by law enforcement determined that the purpose of the scheme and artifice was for PATEL to defraud healthcare staffing companies, facilities, and employers operating in the Eastern District of Virginia and elsewhere and to obtain money and property from such companies, facilities, and employers through false and fraudulent pretenses, representations, and promises, including, among other things, false statements concerning PATEL's qualifications and licenses to practice medicine.

12. The investigation revealed that PATEL submitted applications to medical staffing companies, including AMN Healthcare and Staff Care, through which PATEL sought engagement as an independently contracted Doctor of Medicine and Surgery.

13. In such applications, PATEL falsely and fraudulently represented himself to be an individual licensed by the Virginia Board of Medicine to practice medicine in the Commonwealth of Virginia. PATEL so represented himself by, among other things, including false and fraudulent information concerning his education, employment history, medical licenses, and registrations, including but not limited to false NPIs, Virginia Board of Medicine license numbers, and DEA registration numbers.

14. In further support of such applications, PATEL created and submitted falsified and forged documents, which documents falsely represented that PATEL possessed the education, training, certifications, licenses, and registrations required to practice medicine in the Commonwealth of Virginia. These included, but were not limited to, false diplomas, examination certificates, Virginia Board of Medicine licensing certificates, board certifications, and DEA registration certificates.

15. PATEL included in such falsified and forged documents the personal identifying information of other doctors who were then duly licensed to practice medicine in the Commonwealth of Virginia, including but not limited to V.D.P. Among such information was the DEA registration number then assigned to V.D.P. (last four digits 6476).

16. At the time he submitted the applications described herein, PATEL falsely and fraudulently affirmed and acknowledged that the information he had provided in the applications and attachments was true, complete, and correct.

17. Through various means, PATEL obtained and attempted to obtain documents and records of other doctors, including V.D.P., to verify PATEL's false claims regarding his licensing and registrations. Among other documents and records, PATEL obtained and attempted to obtain DEA registration certificates bearing V.D.P.'s name and DEA registration number (last four digits 6476).

18. To obtain such DEA registration certificates, PATEL submitted materially false and forged documents to DEA registration technicians, including but not limited a W-9 Form bearing PATEL's name, Glen Allen address, and social security number (last four digits 3621) and V.D.P.'s DEA registration number (last four digits 6476).

19. With respect to Count Three of the Indictment, on or about October 2, 2017, in the Eastern District of Virginia, PATEL falsely and fraudulently directed a DEA registration technician to alter the official DEA registration record of V.D.P. to change the social security number assigned to V.D.P.'s DEA registration record from V.D.P.'s true social security number (last four digits 0655) to PATEL's social security number (last four digits 3621).

20. PATEL then used V.D.P.'s DEA registration number (last four digits 6476) in conjunction with his own social security number (last four digits 3621) to request a duplicate DEA registration certificate bearing V.D.P.'s name and DEA registration number.

21. With respect to Count Five of the indictment, on or about October 5, 2017, the defendant caused the mailing from Arlington, Virginia (within the Eastern District of Virginia) of the duplicate DEA registration certificate bearing the name and DEA registration number (last four digits 6476) of V.D.P.

22. Through the applications and communications described herein, PATEL fraudulently induced medical staffing companies to enter agreements, including Provider Service

Agreements, through which such companies agreed to employ PATEL as an independent contractor and to assign him positions with client healthcare facilities. PATEL completed, executed, and signed such agreements and all other documents required to establish his relationship with such medical staffing companies, including but not limited to W-9 forms.

23. Through such medical staffing companies, PATEL obtained and attempted to obtain employment and placement as a Doctor of Medicine and Surgery at healthcare facilities and employers located in the Eastern District of Virginia and elsewhere, including but not limited to Stoneybrook Physicians.

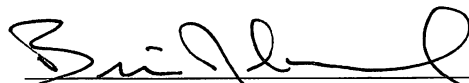
24. While falsely and fraudulently posing as a duly licensed Doctor of Medicine and Surgery, PATEL practiced medicine at such facilities by, among other things, seeing patients, conducting and ordering tests and examinations, and prescribing and/or altering patient medications, including some controlled . PATEL received and attempted to receive things of value in exchange for these false and fraudulent medical services, including but not limited to hourly and salary wage payments.

25. The defendant stipulates and agrees that his participation in the events described was undertaken knowingly, intentionally and unlawfully and not as a result of an accident, mistake or other innocent reason.

Respectfully Submitted,

G. ZACHARY TERWILLIGER
UNITED STATES ATTORNEY

By:

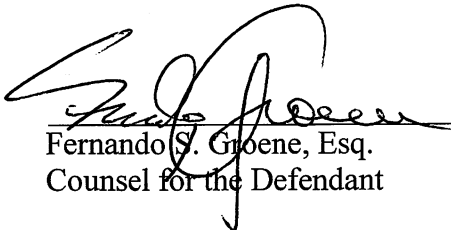

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After consulting with my attorney, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States could prove these facts beyond a reasonable doubt.

 12/3/18
VISHAL JYOTINDRA PATEL
Defendant

I am counsel for VISHAL JYOTINDRA PATEL. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

 12/3/18
Fernando S. Groene, Esq.
Counsel for the Defendant

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